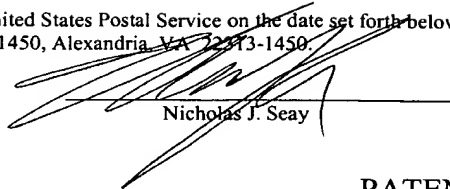




I hereby certify that this correspondence is being deposited with the United States Postal Service on the date set forth below as First Class Mail in an envelope addressed to: Commissioner for Patents, P o Box 1450, Alexandria, VA 22313-1450.

Date of Signature and Deposit: February 4, 2004


Nicholas J. Seay

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Alan D. Attie
Samuel T. Nadler

Date: February 4, 2004

Serial No.: 09/955,367

Group Art Unit: 1634

Filed: 09/18/2001

Examiner: Diana B. Johannsen

Title: EXPRESSION OF GENES IN DIABETES
MELLITUS AND INSULIN RESISTANCE

File No.: 960296.97478

RESPONSE

Commissioner For Patents
P O Box 1450
Alexandria, VA 22313-1450

Dear Sir:

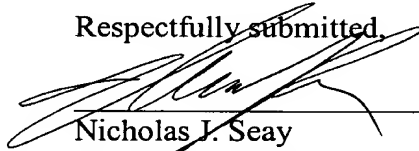
By an Office Action dated August 4, 2003 in the file of the above-identified application the Examiner in charge of this application required the applicants to elect, in addition to the previously selected single gene, a combination of four genes including the elected gene. The applicants respond herewith.

The applicants are slightly unclear about whether the Examiner meant four genes in addition to that previously elected or three genes in addition to that previously elected. Accordingly, out of an abundance of caution, both answers will be provided. If the requirement for restriction meant that only three additional genes were to be included, the three genes elected by the applicants are, all from Table 1 on page 12 of the application, aa667872 described as similar to ubiquinol-cytochrome *c* reductase core protein 2, W41817 Cytochrome *c* oxidase, subunit VIIIa, and M21285 Stearoyl-CoA desaturase. If the Examiner intended that there be four genes included besides the originally elected SREBP, the applicants would in addition elect gene aa466050 described as similar to cytochrome *c*1.

It is believed that this response is responsive to the requirement that the applicants elect further genes. It is believed that Claims 1-3, 5 and 11 read on the group of genes, Claim 8 reading, of course, only on the singly elected SREBP gene.

A separate petition for extension of time is submitted herewith so that this response will be considered as timely filed.

Respectfully submitted,



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